

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,)	3:14-CR-367-B
Government,)	
)	
VS.)	DALLAS, TEXAS
)	
RHONDA LONG,)	
Defendant.)	January 16, 2015

TRANSCRIPT OF REARRAIGNMENT HEARING
BEFORE THE HONORABLE IRMA C. RAMIREZ
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

FOR THE GOVERNMENT:

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23 Proceedings reported by mechanical stenography and
24 transcript produced by computer.
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1 REARRAIGNMENT HEARING - JANUARY 16, 2015

2 P R O C E E D I N G S

3 THE COURT: United States versus Rhonda Long,
4 3:14-CR-367-B.

5 MR. MEITL: P.J. Meitl for the Government, Your
6 Honor.

7 MR. ALLAN: Charles Allan for the Defendant.
8 (Pause)

9 THE COURT: Ms. Long, if you would please raise your
10 right hand and be sworn.

11 (The Defendant was sworn)

12 THE COURT: You can put your hand down.

13 Do you understand that you are now under oath and
14 that if you answer any of my questions falsely that you could
15 later be prosecuted for perjury or making a false statement?

16 THE DEFENDANT: Yes.

17 THE COURT: Tell me your whole name for the record.

18 THE DEFENDANT: Rhonda Stacey Long.

19 THE COURT: How old are you, ma'am?

20 THE DEFENDANT: 51.

21 THE COURT: How much education have you had?

22 THE DEFENDANT: Two years of college.

23 THE COURT: Within the last six months have you been
24 under the care of any doctor?

25 THE DEFENDANT: Yes.

1 THE COURT: Does the condition for which you've been
2 under the care of a doctor in any way ever affect your ability
3 to understand where you are or what you are doing at any time?

4 THE DEFENDANT: No.

5 THE COURT: Have you ever been hospitalized or
6 treated for narcotics addiction or alcoholism?

7 THE DEFENDANT: No.

8 THE COURT: And have you ever been diagnosed with any
9 emotional or mental disability or problem?

10 THE DEFENDANT: No.

11 THE COURT: Are you now under the influence of
12 alcohol or any drug?

13 THE DEFENDANT: No.

14 THE COURT: Is there anything that you know of that
15 might in any way affect your ability to understand why you are
16 here today and what you are going to do?

17 THE DEFENDANT: No.

18 THE COURT: Are you comfortable that you do fully
19 understand what it is you are here for?

20 THE DEFENDANT: Yes.

21 THE COURT: Counsel, any reason to believe that
22 Ms. Long is not fully competent to enter her plea of guilty?

23 MR. ALLAN: No reason.

24 THE COURT: Do you believe her plea will be a knowing
25 and voluntary plea?

1 MR. ALLAN: I do.

2 THE COURT: Ms. Long, you have the right to enter
3 your plea of guilty before the District Judge assigned to your
4 case, but you can agree to have a magistrate judge take your
5 plea and make a recommendation to the Judge that she either
6 accept or reject your plea.

7 I have here a signed notice and consent form that I'm
8 holding up. Can you see the signature here at the bottom?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Is this your signature?

11 THE DEFENDANT: Yes, it is.

12 THE COURT: Did you read the notice and consent
13 before you signed it?

14 THE DEFENDANT: Yes, I did.

15 THE COURT: Did you discuss it with Mr. Allan?

16 THE DEFENDANT: Yes, I did.

17 THE COURT: Do you still wish to go forward today
18 before a magistrate judge?

19 THE DEFENDANT: Yes.

20 THE COURT: I find that consent has been given
21 knowingly and voluntarily, and we will proceed with the
22 proposed plea.

23 You have the right to plead not guilty to any offense
24 charged against you, and if you plead not guilty the
25 Constitution guarantees you certain rights: the right to a

1 speedy and public trial by a jury in this district; the right
2 at trial for you to see, hear, and cross-examine all witnesses
3 against you; the right to use the power and process of the
4 Court to compel the attendance of witnesses and production of
5 evidence in your favor; the right to the assistance of an
6 attorney at all stages of the proceedings. If you cannot
7 afford an attorney, one will be appointed for you.

8 You could not be compelled to testify at trial.
9 Whether or not you would testify would be your decision. The
10 Government would have to prove your guilt beyond a reasonable
11 doubt. And if you were convicted, you would have the right to
12 appeal.

13 Do you understand that you have and are guaranteed
14 each of these rights?

15 THE DEFENDANT: Yes.

16 THE COURT: On the other hand, if you plead guilty
17 and if the District Judge accepts your plea, there is not going
18 to be a trial. By pleading guilty, you are giving up that
19 right as well as those other rights that go with a trial that I
20 just described. If you plead guilty, you will be convicted of
21 the offense charged in Count Three of the indictment.

22 Do you understand the consequences of pleading
23 guilty?

24 THE DEFENDANT: Yes.

25 THE COURT: In Federal court it is the Judge who

1 decides the sentence whether a Defendant is convicted by a jury
2 or upon a plea of guilty. The United States Sentencing
3 Commission issued guidelines for judges to follow to decide the
4 appropriate sentence in a criminal case. The Supreme Court
5 later found that those guidelines were not mandatory, only
6 advisory. That means that the Judge has to consider how the
7 guidelines might apply in your case, but she's not required to
8 follow them.

9 Have you and Mr. Allan talked about these guidelines
10 and how they might apply in your case?

11 THE DEFENDANT: Yes.

12 THE COURT: Even so, do you understand that you
13 should not depend or rely upon any statement or assurance by
14 anyone as to what sentence you will get because only the Judge
15 can make that decision?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: The Judge won't make her decision until
18 after a presentence report has been prepared by the Probation
19 Office. To prepare that report, the Probation Office will
20 interview you as well as the agents of the Government about the
21 facts of the case. The officer may also consider a document
22 filed in this case called a factual resume. It lists facts
23 that are agreed between you and the Government. You should
24 know that the probation officer is not limited to this
25 document. The officer can consider facts that are not listed

1 in the factual resume and disregard facts that are. If that
2 happens, you may not be permitted to withdraw your plea of
3 guilty. You will, however, have an opportunity through your
4 attorney to object to the presentence report. In order to
5 decide your sentence, the Judge will consider the report, your
6 objections, and any evidence presented at the sentencing
7 hearing.

8 You do have the right to appeal whatever sentence you
9 get unless you give up that right. In some cases the
10 Government also has the right to appeal.

11 Parole has been abolished, so if you are sentenced to
12 prison, you will not be released on parole.

13 Do you understand generally how the process of
14 sentencing works?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And you've got Mr. Charles Allan
17 appearing with you today as your attorney. Have you had a full
18 opportunity to talk to him about your case and your proposed
19 plea of guilty?

20 THE DEFENDANT: Yes.

21 THE COURT: Are you fully satisfied with the
22 representation and advice that you have received from Mr. Allan
23 in connection with your case and your proposed plea of guilty?

24 THE DEFENDANT: Yes.

25 THE COURT: Did you get a copy of the indictment?

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THE DEFENDANT: No, ma'am.

THE COURT: Okay. Have you seen the indictment or gone over it with Mr. Allan?

THE DEFENDANT: Yes, ma'am.

THE COURT: You have the right to have Count Three read out loud to you at this time, but you may waive the reading. What would you like to do?

THE DEFENDANT: Waive it.

THE COURT: I am going to ask the Assistant United States Attorney to set out what we call the essential elements of the offense. This is what the Government would have to prove at trial to convict you on this charge. And I will ask you some questions about the elements when he's done.

Mr. Meitl?

MR. MEITL: Thank you, Your Honor.

The Government would have to prove first that the individual knowingly possessed the mixture or substance containing a detectable amount of methamphetamine;

Second: That the substance was in fact a mixture or substance containing a detectable amount of methamphetamine;

And third: That the individual possessed the substance with the intent to distribute it.

THE COURT: Do you understand each of these essential elements?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you admit that you committed each of
3 these essential elements?

4 THE DEFENDANT: Yes.

5 THE COURT: A defendant who is accused of a crime
6 cannot plead guilty unless he is actually guilty of that crime.
7 If you plead guilty, your plea should not be prompted or
8 induced by any promises, pressure, threats, force, or coercion
9 of any kind. A plea of guilty has to be purely voluntary, and
10 you should plead guilty only because you are guilty and for no
11 other reason.

12 Has anyone in any way tried to make you or get you to
13 plead guilty in this case?

14 THE DEFENDANT: No.

15 THE COURT: I have here the plea agreement that was
16 filed on December 12th. Do you have a copy there before you?

17 (Pause)

18 THE DEFENDANT: I do now.

19 THE COURT: All right. Please look with me at pages
20 6 and 7 and tell me if that is your signature above the typed
21 name on each page.

22 THE DEFENDANT: Yes.

23 THE COURT: Before you signed the plea agreement, did
24 you fully read it?

25 THE DEFENDANT: Yes, I did.

1 THE COURT: Did you discuss it with Mr. Allan and ask
2 him any questions you had about it?

3 THE DEFENDANT: Yes, I did.

4 THE COURT: Were you comfortable that you fully
5 understood everything set out in the plea agreement before you
6 signed it?

7 THE DEFENDANT: Yes.

8 THE COURT: Are all of the terms of your agreement
9 with the Government set out in this written document?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: I would like to go over some of these
12 terms with you.

13 On page 3, in paragraph 7, there's an agreement by
14 you to give up all right, title, and interest you have in any
15 property that was seized during the investigation that led to
16 this indictment and not to challenge the Government's taking of
17 that property through any type of proceeding.

18 Did you voluntarily and of your own freewill agree to
19 give up your rights to that property and to let the Government
20 take it?

21 THE DEFENDANT: I had a question on that.

22 THE COURT: Certainly.

23 THE DEFENDANT: And, that is, they took my jewelry
24 off of me that was sentimental jewelry, and they kept it at the
25 evidence locker. Dallas police did.

1 MR. MEITL: Your Honor, the Government has no
2 intention of seizing that property. It will be returned to her
3 upon her release from prison, I assume. It's not listed in the
4 forfeiture order, nor is it going to be administratively
5 forfeited by the Government.

6 THE COURT: Let's clarify that.

7 THE DEFENDANT: Thank you.

8 THE COURT: Paragraph 7 applies to the property that
9 was noted as subject to forfeiture in the indictment or that
10 was seized or retained by law enforcement officers during the
11 investigation.

12 Now, it's one thing to take your personal property
13 and to put it in the envelope when you're taken into custody
14 along with your clothing. It's a different matter to have
15 seized it for purposes of the investigation.

16 THE DEFENDANT: They also seized \$2,800.00 --

17 THE COURT: Okay.

18 THE DEFENDANT: -- that was from a Social Security
19 check.

20 THE COURT: Mr. Allan, would you like to visit with
21 your client for a few minutes about this matter?

22 MR. ALLAN: No, Your Honor. There is a civil
23 forfeiture action being taken by Dallas Police Department, not
24 by the U.S. Attorney's Office. And so I don't believe this
25 plea agreement binds the Dallas Police Department or her with

1 regard to contesting that.

2 THE DEFENDANT: I'm just trying to make sure it
3 doesn't --

4 MR. ALLAN: I believe she does want to contest the
5 civil forfeiture action by the Dallas Police Department, but --

6 THE DEFENDANT: And I wasn't sure if it included
7 this.

8 THE COURT: Well, it does say to the United States.

9 THE DEFENDANT: Okay.

10 THE COURT: And I'm glad that you asked that, and
11 let's get it clear on the record. As I read your plea
12 agreement, it is limited to the United States.

13 THE DEFENDANT: Okay.

14 THE COURT: All right. Any other questions about
15 that one?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: So with regard to the United States, did
18 you voluntarily and of your own freewill agree to give up your
19 rights to any property that was seized by the Federal
20 Government?

21 THE DEFENDANT: Yes.

22 THE COURT: On page 4, in paragraph 8, there is an
23 agreement by the Government not to bring any additional charges
24 against you based on the underlying conduct and to dismiss
25 after sentencing any remaining charges in the pending

1 indictment.

2 Because your plea agreement has these promises by the
3 Government, the District Judge has to decide whether she will
4 accept it. If the Judge does not accept your plea agreement,
5 you will have the opportunity to withdraw your plea of guilty
6 and to change it to not guilty.

7 Do you understand that this is an option if the Judge
8 does not accept your plea agreement?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: On page 5, in paragraph 11, there's a
11 waiver of right to appeal. As I explained earlier, you do have
12 that right unless you give it up. Do you understand that in
13 paragraph 11 you've agreed to give up your right to appeal
14 except for limited circumstances that are listed in that
15 paragraph?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Paragraph 11 also has a waiver of right
18 to otherwise challenge sentence. You can challenge your
19 sentence through what we call a writ of habeas corpus or a
20 motion to vacate sentence.

21 Do you understand that in paragraph 11 you've also
22 agreed to give up that right except in the limited
23 circumstances that are listed there?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you understand that you've only

1 reserved your right to bring a direct appeal of a sentence
2 exceeding the statutory maximum punishment or an arithmetic
3 error at sentencing, to challenge the voluntariness of your
4 plea of guilty or this waiver, or to bring a claim of
5 ineffective assistance of counsel?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Did you voluntarily and of your own
8 freewill agree to give up your rights to appeal or to otherwise
9 challenge your sentence?

10 THE DEFENDANT: Yes.

11 THE COURT: Other than this written plea agreement,
12 has anyone made you any promises or assurances of any kind in
13 order to get you to plead guilty?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: By signing the plea agreement, are you
16 asking that the Court approve and accept it?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you understand that you're pleading
19 guilty to a felony and that conviction of a felony could
20 deprive you of valuable rights of citizenship, such as the
21 right to vote and the right to own a gun?

22 THE DEFENDANT: Yes.

23 THE COURT: In addition to that, you will face
24 certain penalties and consequences if convicted on this charge.
25 Mr. Meitl is going to set those out.

1 MR. MEITL: Yes, Judge.

2 The maximum penalties the Court can impose for Count
3 Three of the indictment include imprisonment for a period of
4 not more than 20 years; a fine not to exceed \$1 million or
5 twice any pecuniary gain to the Defendant or loss to the
6 victims; a term of supervised release of not less than three
7 years, which is mandatory under the law and will follow any
8 term of imprisonment; if Ms. Long violates the conditions of
9 supervised release, she could be imprisoned for the entire term
10 of supervised release; a mandatory special assessment of
11 \$100.00; restitution to victims or to the community which
12 Ms. Long agrees will include restitution arising from all
13 relevant conduct and not limited to that arising from the
14 offense of conviction alone; and costs of incarceration and
15 supervision.

16 THE COURT: Do you understand, Ms. Long, that if you
17 plead guilty you will be subject to these penalties and
18 consequences?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you understand that if the sentence
21 you get is more than what you expect it to be you will still be
22 bound by your plea of guilty?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Having heard all of this, how do you
25 plead to Count Three of the indictment, guilty or not guilty?

1 THE DEFENDANT: Guilty.

2 THE COURT: Before I can recommend to Judge Boyle
3 that she accept your plea, I have to find that there are enough
4 facts to support it.

5 I have here a factual resume that was filed on
6 December 12th. Do you have a copy there?

7 THE DEFENDANT: Yes.

8 THE COURT: Please look with me at page 2 and tell me
9 if that is your signature above your typed name on that page.

10 THE DEFENDANT: Yes, it is.

11 THE COURT: Before you signed the factual resume, did
12 you fully read it?

13 THE DEFENDANT: Yes, I did.

14 THE COURT: Did you fully discuss it with Mr. Allan
15 and ask him any questions you had about it?

16 THE DEFENDANT: Yes.

17 THE COURT: Were you comfortable that you fully
18 understood everything set out in the factual resume before you
19 signed it?

20 THE DEFENDANT: Yes.

21 THE COURT: Are the facts that are listed here true
22 and correct?

23 THE DEFENDANT: Yes.

24 THE COURT: You have the right to have these facts
25 read out loud to you at this time, but you may waive the

1 reading of the factual resume. What would you like to do?

2 THE DEFENDANT: Waive it.

3 THE COURT: Being satisfied with the responses given
4 during this hearing, I make the following finding on the
5 record:

6 In the case of the United States of America versus
7 Rhonda Long, Case 3:14-CR-367-B, Ms. Long is fully competent
8 and capable of entering an informed plea. Her plea of guilty
9 to Count Three of the indictment is a knowing and voluntary
10 plea supported by an independent basis in fact that contains
11 each of the essential elements of the offense charged in Count
12 Three of the indictment.

13 The Court, therefore, recommends that her plea of
14 guilty be accepted, and if it is, she will be adjudged guilty
15 of the offense charged in Count Three of the indictment.

16 I have signed a written recommendation to Judge Boyle
17 that she accept your plea of guilty, and a copy was just served
18 on you. If you have any objection to that recommendation, you
19 will have 14 days from today to file those objections through
20 your attorney.

21 As I explained earlier, the Probation Office will now
22 prepare the presentence report to help the District Judge at
23 sentencing. You will be asked to give information for that
24 report, and your degree of cooperation could be a factor in the
25 severity of your sentence.

1 Through your attorney, you will get a copy of that
2 report well before sentencing, and through him you will have
3 the opportunity to file any objections that you think are
4 appropriate.

5 You are scheduled for sentencing before Judge Boyle
6 on May 7th at 1:30.

7 The presentence report is due by April 2nd.

8 Any objections are due by April 16th.

9 Any addendum is due by April 23rd.

10 And any objections to the addendum are due by April
11 30th.

12 A scheduling order will issue that has all of these
13 dates and times.

14 Ms. Long, do you have any questions about anything we
15 have covered here today?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Mr. Allan, anything else the Court should
18 address?

19 MR. ALLAN: No, Your Honor.

20 THE COURT: Mr. Meitl?

21 MR. MEITL: No, Your Honor.

22 THE COURT: Good luck to you, Ms. Long.

23 THE DEFENDANT: Thank you.

24 THE COURT: We are adjourned as to this matter.

25 Counsel are excused if they have no further matters before the

1 Court.

2 (Hearing adjourned)

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INDEX

Essential elements read..... 16

Plea received..... 17

1 I, TODD ANDERSON, United States Court Reporter for the
2 United States District Court in and for the Northern District
3 of Texas, Dallas Division, hereby certify that the above and
4 foregoing contains a true and correct transcription of the
5 proceedings in the above entitled and numbered cause.

6 WITNESS MY HAND on this 22nd day of June 2015.

7
8
9 /s/Todd Anderson

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